

**From:** Mark Stribling  
**To:** Microsoft ATR  
**Date:** 12/9/01 7:23pm  
**Subject:** Microsoft Settlement

I would like to add my concern over the currently proposed punishment for Microsoft for its antitrust violations to donate more than \$1 billion in software, hardware and money to schools. I have several complaints with this sentence. First, the language of the settlement does not adequately regard non-profit and non-business entities. Today, particularly the open source software providers stand to lose the most if the current settlement commences. Apache, Perl, and Sendmail are not afforded any protection from Microsoft's predatory business practices because the language in the settlement does not refer to software providers, rather, software vendors. Since these software projects are not for profit companies, wording like, "... (c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ..." (Section III(J)(2)) offers a lack of protection for those companies that Microsoft most competes with today. I.e., those who should be most protected from its monopoly.

The second problem with the current settlement is that \$1.5 billion is significantly smaller than the amount of money and liquid assets that Microsoft has. It is hardly a fraction of the company's worth, and not even a dent in yearly profits. Far from even a slap on the wrist, the amount of settlement makes a mockery of the DoJ. It is a punishment in name only. The final problem with the Microsoft settlement is in the structure of the penalty payment. In requiring MS to give software and hardware to schools, the settlement acts to not only enforce MS's current monopoly, but to actually strengthen it. Currently, Apple computers struggles to retain its current presence in the educational sector. Linux and alternative operating systems has worked hard and barely has any presence in schools. By making MS give out software and hardware to schools, they have less incentive to use Mac or Linux based machines. Not only that, but the future costs of reeducating their employees in the use of Mac or Linux would act as a strong deterrence to make the switch and create a barrier to entry. Thus Microsoft is in an even stronger position of monopolistic control.

Thank you.  
Mark Stribling

**CC:** Jer Wood